

**RECORDING INFORMATION:**  
**Entry # 11235683**  
**8/30/2011 2:24:00 PM \$24.00**  
**Book - 9946 Pg - 4762-4769**  
**Gary W. Ott**  
**Recorder, Salt Lake County, UT**  
**INTEGRATED TITLE INS. SERVICES**  
**BY: eCASH, DEPUTY - EF 8 P**

When Recorded Return To:  
Parley's Partners LLC  
2725 E. Parleys' Way, Suite 120  
Salt Lake City, UT 84109

**RECEIVED**

**SEP 15 2011**

**Environmental Response &  
Remediation  
SCANNED**

With Copy To:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
P.O. Box 144840  
195 North 1950 West  
Salt Lake City, Utah 84114-4840

**DERR** 2011-013609

### **FIRST AMENDMENT TO ENVIRONMENTAL COVENANT**

This First Amendment to Environmental Covenant is entered into by Scott's Land, LLC (the former owner and holder), James A. Paraskeva Family Living Trust (the current owner), Parley's Partner's, LLC.(the new holder), and the Utah Department of Environmental Quality ("DEQ", the agency) pursuant to the Uniform Environmental Covenants Act, Utah Code Ann. §§ 57-25-101 et seq. for the purpose of amending that certain environmental covenant recorded on the 11<sup>th</sup> day of May, 2009 as entry no 10698521 at pages 2558 through 2575 in book 9721 of the Salt Lake County Recorder's Office pertaining to the Property described in Exhibit A, attached hereto ("Environmental Covenant").

#### **Background**

Previously, in April of 2008, the Property was entered into Utah's Voluntary Cleanup Program to address impacts associated with the historical industrial uses. The Property was assigned the VCP Site ID C064 and was designated as the "Former Minerals Equipment Company." A certificate of completion was issued, dated May 28, 2009 after the Environmental Covenant was imposed on the Property by Scott's Land, LLC in its capacity as an owner and a holder. Scott's Land has subsequently sold the property and no longer has an interest in its use or development of the Property.

In June of 2011, the Property was entered into Utah's Voluntary Cleanup Program by Parley's Partners, LLC. and James A. Paraskeva Family Living Trust to address remaining impacts associated with the historical industrial uses in order to change allowable land use from commercial to residential use. The Property was assigned

the VCP Site ID C072 and was designated as the "Minerals Equipment/Birkhill Apartments Voluntary Cleanup Site." The James A. Paraskeva Family Living Trust is the current owner of the Property but plans to transfer the Property to Parley's Partner's, LLC. or to Parley's Partner's LLC's designee. Parley's Partner's, LLC. is a developer with plans to develop the Property for residential use.

#### Amendments

The Environmental Covenant is amended as follows:

1. Section 4. "Holder" is deleted in its entirety and replaced by the following:

4. Holder. Parley's Partner's LLC located at 2725 East Parley's Way, Suite 120, Salt Lake City, Utah is the holder of this Environmental Covenant.

2. Subsection 5.C. "Land Use Limitations" of the Environmental Covenant is deleted in its entirety and replaced by the following:

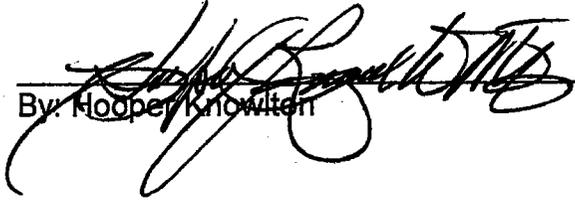
#### C. Land Use Limitations

Land use at the Property has been historically limited to commercial use as stated in the current Certificate of Completion for DEQ's VCP file No. CO64. Residential use will be allowed upon completion of the requirements described in the Site Remediation Work Plan dated May 11, 2011 for VCP No. CO72 approved by the DEQ voluntary cleanup program. A Certificate of Completion issued for VCP No. CO72 in accordance with Utah Code Ann. § 19-8-111 will evidence completion. Development of the property will include a concrete structured parking deck which will serve as an additional cap to the repository. The repository is designated as a "low occupancy" area. The land use shall comply with the provisions specified in the Site Management Plan.

The undersigned representative of the new holder represents and certifies that he is authorized to execute this First Amendment to Environmental Covenant.

**IT IS SO AGREED:**

**Parley's Partners LLC**

  
By: Hooper Knowlton

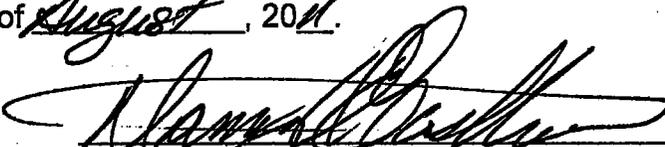
Its Manager

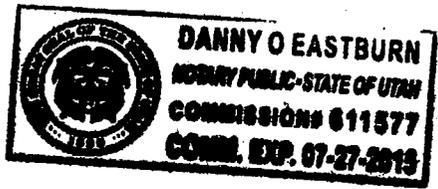
August 22, 2011  
Date

State of Utah            )  
                                  )        ss:  
County of Salt Lake )

Before me, a notary public, in and for said county and state, personally appeared Hooper Knowlton a duly authorized representative of Parley's Partners LLC, who acknowledged to me that he did execute the foregoing instrument on behalf of Parley's Partners LLC.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 22 day of August, 2011.

  
Notary Public  
My Commission expires: 7/29/2015



The undersigned representative of the former Owner and Holder represents and certifies that he is authorized to execute this First Amendment to Environmental Covenant.

**IT IS SO AGREED:**

**Scott's Land LLC**

  
By: Michael Brodsky

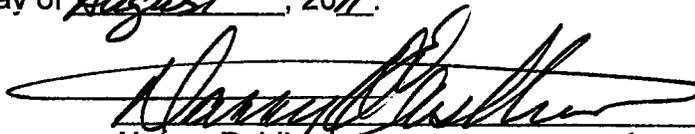
\_\_\_\_\_  
Its Manager

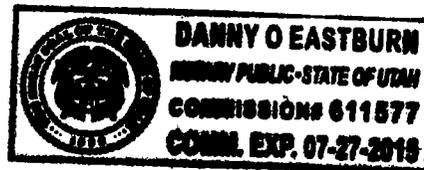
8/22/11  
\_\_\_\_\_  
Date

State of Utah            )  
                                  )        ss:  
County of Salt Lake )

Before me, a notary public, in and for said county and state, personally appeared Michael Brodsky a duly authorized representative of Scott's Land LLC, who acknowledged to me that he did execute the foregoing instrument on behalf of Scott's Land LLC.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 22 day of August, 2011.

  
\_\_\_\_\_  
Notary Public  
My Commission expires: 7/27/15



The undersigned representative of the current owner represents and certifies that he is authorized to execute this First Amendment to Environmental Covenant.

**IT IS SO AGREED:**

**James A. Paraskeva Family Living Trust**

  
\_\_\_\_\_  
By: James A. Paraskeva

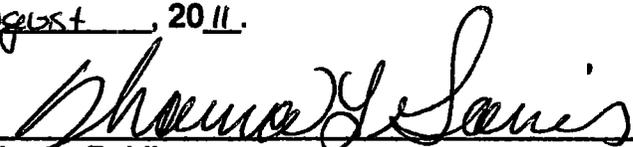
\_\_\_\_\_  
Its Trustee

8/22/11  
\_\_\_\_\_  
Date

South Carolina  
State of Utah )  
                  ) ss:  
County of Salt Lake )  
                  Charleston

Before me, a notary public, in and for said county and state, personally appeared James A. Paraskeva a duly authorized representative of James A. Paraskeva Family Living Trust who acknowledged to me that he did execute the foregoing instrument on behalf of James A. Paraskeva Family Living Trust.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 22 day of August, 2011.

  
\_\_\_\_\_  
Notary Public  
My Commission expires: Nov 17, 2018



**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**

The Utah Department of Environmental Quality authorized representative identified below hereby approves the foregoing First Amendment to Environmental Covenant pursuant to Utah Code Ann. Sections 57-25-102(2) and 57-25-104(1)(e).

By: Brent H. Everett  
Name: Brent H. Everett  
Title: Director, Division of Environmental Response and Remediation,  
Utah Department of Environmental Quality

State of Utah            )  
                                  )  
County of Salt Lake )        ss:

Before me, a notary public, in and for said county and state, personally appeared Brent H. Everett, an authorized representative of the Utah Department of Environmental Quality, who acknowledged to me that he did execute the foregoing instrument this 29 day of August, 2011.



Dana J. Powers  
Notary Public  
My Commission expires: 6/23/2015

**Exhibit A**

**PROPERTY LEGAL DESCRIPTION**

Record Description:

Exhibit "A" : Beginning at a point on the North line of Fireclay Avenue, said point being West 33 feet, North 194.7 feet, and South 89°43'00" West 323.74 feet from the southeast corner of Lot 15, Block 9, 10 Acre Plat "A", Big Field Survey, and running thence North 0°05'30" East 219.96 feet; thence North 89°43'36" East 100 feet, thence North 0°05'30" East 355 feet more or less to the centerline of Big Cottonwood Creek; thence Northwesterly along the center of said creek 507 feet more or less to the East line of Main Street, thence South 0°15'54" West 626 feet more or less to said North line of Fireclay Avenue; thence North 89°43'00" East 398.25 feet to the point of beginning.

Contains: 6.4 acres, more or less.

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# TRANSMITTAL

## KNOWLTON REALTY ADVISORS

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**TO:** KAREN KELLER  
**FROM:** HOOPER KNOWLTON  
**DATE:** September 14, 2011  
**COMMENTS:**

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KAREN,

Enclosed is the fully executed and recorded First Amendment to the Environmental Covenant for your files.

**RECEIVED**  
**SEP 15 2011**  
Environmental Response &  
Remediation